



DOMESTIC ABUSE AND SEXUAL VIOLENCE POLICY AND HOUSING PATHWAY

Legal influences on this strategy:

- Housing Act 1996 Part VII (as amended by Homelessness Reduction Act 2017)
- Homeless Code of Guidance for Local Authorities
- Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation- Statutory Guidance on social housing allocations for local authorities in England
- Domestic Abuse Act 2021

Purpose of Domestic Abuse and Sexual Violence Housing Pathway Document

The purpose of this document is to outline the Housing Pathway for people experiencing Domestic Abuse and Sexual Violence (DASV) or seeking to leave an environment where DASV is occurring.

The document is intended for use by internal staff members and a point of reference for partner agencies - either those specifically dealing with people/households experiencing ongoing DASV or its aftermath or those non- housing or DASV specific agencies who are approached by such households.

It also states the Council of the Isles of Scilly Housing's position, policy and practice relating to Domestic Abuse and Sexual Violence.

Definition of Domestic Abuse & Sexual Violence

The Domestic Abuse Act 2021 created a statutory definition of domestic abuse based on the existing cross-government definition.

The definition is in two parts.

The first part deals with the relationship between the abuser and the abused. The second part defines what constitutes abusive behaviour:

Section 1:

Definition of “domestic abuse”

(1) This section defines “domestic abuse” for the purposes of this Act.

(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—

- a) A and B are each aged 16 or over and are personally connected to each other, and
- b) the behaviour is abusive.

(3) Behaviour is “abusive” if it consists of any of the following—

- a) physical or sexual abuse;
- b) violent or threatening behaviour;
- c) controlling or coercive behaviour;
- d) economic abuse (see subsection

(4); e) psychological, emotional or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct. (4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—

- a) acquire, use or maintain money or other property, or
- b) obtain goods or services.

(5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

6) References in this Act to being abusive towards another person are to be read in accordance with this section.

(7) Two people are “personally connected” to each other if any of the following applies—

- a) they are, or have been, married to each other;
- b) they are, or have been, civil partners of each other;
- c) they have agreed to marry one another (whether or not the agreement has been terminated);
- d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- e) they are, or have been, in an intimate personal relationship with each other;
- f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));
- g) they are relatives. (2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if—
 - a) the person is a parent of the child, or
 - b) the person has parental responsibility for the child. (

In this section— “child” means a person under the age of 18 years; “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004; “parental responsibility” has the

same meaning as in the Children Act 1989; “relative” has the meaning given by section 63(1) of the Family Law Act 1996.

So-called ‘Honour-based’ abuse (HBA) is a crime or incident which has or may have been committed to protect or defend the perceived honour of the family and/or community, or when individuals try to break from constraining ‘norms’ of behaviour that their community is trying to impose. HBA can cover a range of circumstances, not all of which represent domestic abuse, for example if the victim and perpetrator are not personally connected.

However, HBA will typically be carried out by a member or members of the family and is likely to involve behaviours specified in the statutory definition of domestic abuse. In 2008 the World Health Organisation (WHO) defined its understanding of sexual violence as: “Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic someone’s sexuality, using coercion, threats of harm, or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home and work”.

Council of the Isles of Scilly Domestic Abuse Statement

The Council of the Isles of Scilly believes that none of its residents should live in fear of domestic abuse or sexual violence from a spouse or partner or by any family member whether living in the same household or not. The Council of the Isles of Scilly will not tolerate acts of domestic abuse being perpetrated in properties or on its estates it manages or owns. It is recognised that domestic abuse is a violation of human rights and that every person has a right to live safe from abuse and fear within their own home

We will take steps to assist and support any person suffering from or threatened with domestic abuse or sexual violence. We will take an active role in identifying people experiencing domestic abuse and refer them for help and support.

The Council of the Isles of Scilly is a key partner in local domestic abuse partnerships and will provide representatives at the local Multi Agency Risk Assessment Conferences (MARAC).

The Council of the Isles of Scilly

- Is committed to treating domestic abuse seriously
- Will adhere strictly to the principle of confidentiality
- Will ensure that the response to those affected by domestic abuse provides them with support and protection
- Recognises that a child experiencing domestic abuse is a victim in their own right as stated in the Domestic Abuse Act 2021 and may be a child in need of protection
- Recognises that a vulnerable adult experiencing domestic abuse may require protection under Safeguarding Adults procedure
- Will liaise with others only with the client’s permission unless children or vulnerable adults are at risk

- Will be sensitive to the diverse needs of those who have, or, are experiencing domestic abuse regardless of their age, gender identity or reassignment, race, religion, class, sexual orientation and marital status
- Recognises that domestic abuse can lead to homelessness where it would not be reasonable for someone to continue to live at home
- Ensure that a person fleeing domestic violence is aware of ALL options available to them regarding housing so that they can make an informed choice for their future.

The Council of the Isles of Scilly will work with partner agencies to support the person experiencing abuse, aiming firstly for the applicant to be able to remain in their home if this is what they choose, and, it is appropriate in terms of managing risk;

Where someone cannot remain in their home the Council of the Isles of Scilly will take the necessary steps to provide a safe and secure environment.

The Council of the Isles of Scilly will ensure that information on specialist agencies is passed on to the person experiencing abuse and will work with partner agencies to support them.

Delivering a 'person' centred approach

We will ensure that those subjected to domestic abuse or sexual violence are dealt with in a sensitive, empathetic and trauma informed manner by officers, taking a non-judgmental approach.

Key elements of this approach include:

- the option to be interviewed by someone of the same sex where possible
- to be interviewed in the location of their choice (subject to satisfying any concerns about staff and customer safety and welfare) – phone or video calls may be carried out
- as far as possible, interviews to be carried out within 24 hours or next working day.
- a translation service being available, only using family members to translate where the victim has indicated that this is their preference
- Supporting the person who has experienced abuse to outline their experience without the expectation of intimate or distressing detail and where an applicant's experience has been documented already by a domestic abuse service, utilise existing statements to avoid asking the victim to re-live their experience unnecessarily.
- people may have a friend or advocate present at the interview in they wish.
- being aware that the person who has experienced abuse will be best placed to decide what is safe for them and should not be forced to do anything which they believe could jeopardise their safety.

5. Role of other agencies

The Council of the Isles of Scilly will work closely with other agencies within the Community Safety Partnership (Safer Scilly) and wider domestic abuse system including the police and community support agencies to ensure that people can access all available support networks.

We will encourage people experiencing domestic abuse to access these networks in order to pursue legal remedies against their abusers, receive personal support and where appropriate, emergency re-housing in refuge accommodation or similar.

Safer Scilly Domestic Abuse & Sexual Violence Guidance

For anyone who is a victim of domestic abuse and or sexual violence, they can speak to any professional on the Islands who will advise them of the support and services available to them locally and or on the mainland.

Examples of who may help are Police, Health professionals, Children and Adult Services, Local Authority staff working in for example housing, information and advice, or any other safe person

Safer Futures is the Cornwall and the Isles of Scilly Domestic Abuse and Sexual Violence Service. Delivered by First Light & Barnardos, Safer Futures offers advice and support provided by experienced Domestic Abuse and Sexual Violence professionals and advocates, who will help people experiencing DASV and workers assisting them to access the most appropriate intervention and recovery services.

Safer Futures Helpline: 0300 777 4777 There is a professionals' line for advice on the suitability of our programmes for your client, call 0300 777 4777 and select the professionals' option or email saferfutures@firstlight.org.uk

DOMESTIC ABUSE PATHWAY

NB – ALL DOMESTIC ABUSE CONCERNS WHERE CHILDREN ARE PRESENT AND/OR LIVE IN THE HOUSEHOLD SHOULD BE REPORTED TO CHILDRENS SOCIAL CARE.

